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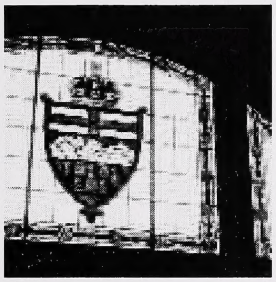

ACHIEVING **JUSTICE**

>> a policy framework

Alberta

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ACHIEVING JUSTICE – A POLICY FRAMEWORK

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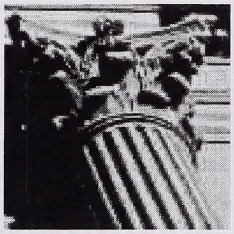


INTRODUCTION

Background

Alberta's motto is "Strong and Free." In 2004, when the Government of Alberta renewed its long-term vision for Alberta, it expressed the same determination and confidence in describing Alberta as, "a vibrant and prosperous province where Albertans enjoy a superior quality of life and are confident about the future for themselves and their children." This vision is described in Today's Advantage, Tomorrow's Promise: Alberta's Vision for the Future http://www.finance.gov.ab.ca./publications/budget/budget2004/govbp.pdf

Our justice system underpins this vision by protecting the rights and freedoms we cherish. It provides a fair and transparent process to deal with criminal offences and civil disputes. It helps us to build a society where we can care for children, buy homes, further our education, work safely, run businesses, and prepare for retirement with certainty and security. In short, our quality of life is dependent on a justice system that works effectively and equally for all. For these reasons, the Ministry of Justice and Attorney General plays an important part in the lives of all Albertans.

Purpose

This policy framework describes the principles and focus of Alberta Justice. The Ministry of Justice and Attorney General intends this document to:

- Guide ministry staff in developing programs and services.
- Strengthen partnerships between the ministry and other stakeholders.
- Encourage public dialogue about emerging justice issues.

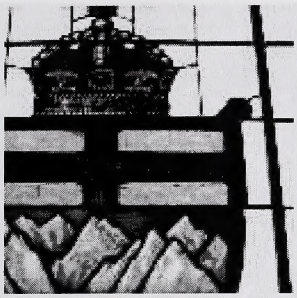
Structure

Achieving Justice – A Policy Framework first outlines what Albertans expect from their justice system. Second, it describes the role of our ministry and explains the rule of law. Third, it briefly describes the unique roles of the judiciary and Alberta Solicitor General and Public Security within the larger justice system as well as identifies our partners at a glance. Fourth, the policy framework:

- Identifies a vision, mission, and guiding principles to meet Albertans' expectations.
- Discusses the mission statement's five links, describing the ministry's role and policies for each.

The policy framework concludes with the recognition that it will evolve as a result of ongoing consultation and discussion.

>> *Our quality of life is dependent on a justice system that works effectively and equally for all. For these reasons, the Ministry of Justice and Attorney General plays an important part in the lives of all Albertans.*



WHAT ALBERTANS HAVE SAID

Defining Justice

Through the *1999 Summit on Justice,* the *2002 Future Summit,* and the government's ongoing discussions with partners, stakeholders, and communities, Albertans have described what justice means to them:

Social order and legal equality

- Protected fundamental rights and freedoms.
- Laws that treat people fairly.
- Respect for law and order.
- Safe communities to live, work, and raise children.

A justice system that holds offenders accountable

- Serious consequences for serious crimes.

A fair, accountable, flexible justice system

- A transparent, accountable, and trusted justice system.
- Fair and equitable access to the justice system.
- Diverse and effective ways of resolving disputes.

A justice system that considers special needs

- A justice system that meets the needs of First Nations, Métis, and Inuit people.
- A justice system that promotes healing for victims, families, and communities.
- A voice for vulnerable individuals.
- Laws that consider people's special circumstances.
- Fair treatment of victims.

Economic participation

- Opportunities to participate and contribute to the social and economic life of the province.
- A safe climate for investors and an environment where business can flourish.

Coping with Change

Albertans have also said that the justice system must continue to keep pace with their changing social and economic needs. They want more aggressive provincial and community-based strategies to:

- Reduce and prevent crime.
- Reduce the time, cost, and complexity of resolving disputes.
- Respond appropriately to youth crime.
- Prevent victimization of Aboriginal people.
- Respond to the needs of victims, including children and youth.
- Make the punishment fit the crime.
- Redress miscarriages of justice that may come to light with new information and technology.
- Respond to borderless crime: organized, economic, and Internet crime.
- Encourage community services and citizens to participate in the administration of justice.
- Develop appropriate justice partner roles and responsibilities.

ALBERTA JUSTICE AND ATTORNEY GENERAL AND THE RULE OF LAW

Our ministry and our minister, as chief law officer, have a special responsibility to uphold the rule of law.

What is the rule of law? It is an underlying principle that recognizes that the law applies equally to everyone. It encompasses the notion that no one is above the law, and that those who make and enforce the law must do so in a way that is fair to everyone.

The rule of law is recognized in the *Canadian Charter of Rights and Freedoms,* which opens with the statement: "Canada is founded upon principles that recognize the supremacy of God and the rule of law."

The Supreme Court of Canada has described the three elements of the rule of law:	Accordingly, the ministry:	By taking these actions:
1. Laws apply equally to all individuals and organizations including governments.	• Applies the law. • Helps citizens understand the law.	• Promoting Albertans' awareness and understanding of the justice system. • Prosecuting criminal and provincial regulatory offences. • Supporting the courts. • Protecting the legal interests of vulnerable Albertans, through the Maintenance Enforcement Program, Public Trustee services, and support for legal aid.
2. Legislation must exist.	• Ensures laws are written clearly and correctly.	• Providing legal advice to the government as it drafts policies, practices, and legislation.
3. The government only has powers that are given to it by the law.	• Ensures the government is aware of the laws that it must obey. • Explains the government's legal positions.	• Providing legal services to client ministries. • Representing the government in court proceedings.

PARTNERS AND ROLES IN JUSTICE

As the entity responsible for the administration of justice in the province, Alberta Justice and Attorney General is in a unique position to lead on key issues while working with key partners. With these partners, Alberta Justice and Attorney General will define issues facing the justice system, better establish roles and responsibilities among them, and develop a global strategy for justice in the province. The ministry has two particular partnerships of note.

The Judiciary

An independent judiciary works to ensure that justice is served and the rule of law is upheld.

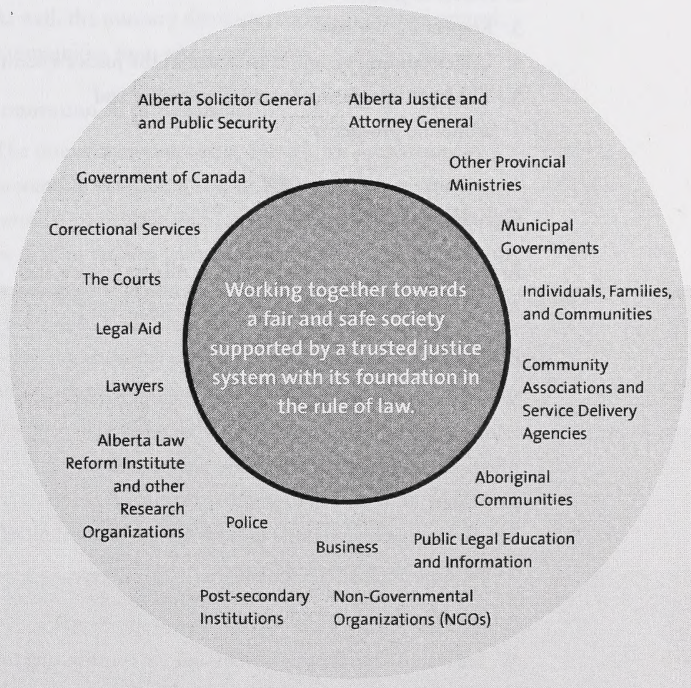
Alberta Solicitor General and Public Security

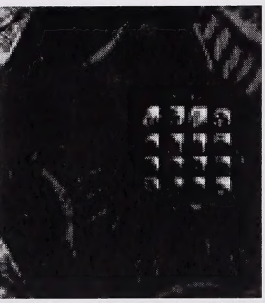
The ministry works closely with Alberta Solicitor General and Public Security to ensure safe communities. Alberta Solicitor General and Public Security is responsible for policing, crime prevention, victims' programs and services, custody matters, security services, supervision of offenders, and rehabilitative opportunities for offenders.

Additional Partners at a Glance

Justice is, by nature, a collective effort. The Ministry of Justice and Attorney General works with many partners to make the justice system effective.

Achieving Justice – A Policy Framework is our blueprint for working with partners to fulfill Albertans' expectations of our justice system.





POLICY FRAMEWORK

Vision

We envision a fair and safe society supported by a trusted justice system.

Mission

Our mission is to protect the rights of all Albertans and advance the interests of society by fostering these five links:

1. Safe communities.
2. Access to justice.
3. Respect for the law.
4. Understanding of, and confidence in the justice system.
5. The legal foundation for social cohesion and economic prosperity.

Guiding Principles

In achieving our vision and mission, Alberta Justice and Attorney General follows these principles:

Respect

We foster an environment in which each individual is valued and heard. Justice is a shared responsibility. Albertans are consulted about and encouraged to participate in initiatives to improve the justice system. The justice system supports individuals' and communities' efforts to enforce their legal rights.

Accountability

We are responsible for our actions and for contributing to the effectiveness of the public service. The justice system is open, transparent, and accountable while respecting the roles of partners and the independence of the judiciary.

Integrity

We behave ethically and are open, honest and fair. The justice system acts with integrity, fairness, and in accordance with the law.

Excellence

We use innovation and continuous improvement to achieve excellence.

Accessibility

All Albertans have equal access to the justice system, and methods of access promote informed choice, self-reliance, and social inclusion.

Effectiveness

The justice system strives to continually improve its effectiveness. This includes using innovative crime prevention strategies, alternative dispute resolution methods, and advanced technology.

Balance

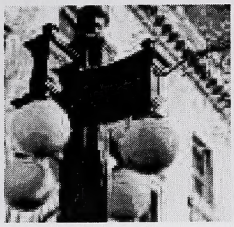
The justice system balances individual and collective rights to promote social harmony and economic prosperity.

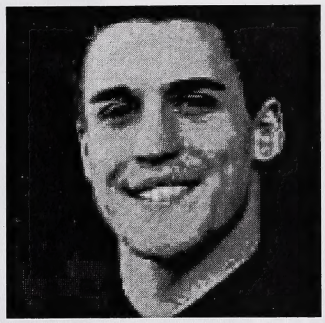
Service

The justice system provides Albertans and client ministries with excellent service.

Collaboration

The justice system collaborates effectively with partners and stakeholders to achieve shared goals.





FIVE LINKS

Safe Communities

Our Role

The ministry develops partnerships that support safe communities, and it protects individuals, families, and communities by prosecuting those accused of crimes.

What Does "Safe Communities" Mean?

Safe communities are fundamental to our social well-being and economic prosperity. Albertans want to live in communities that:

- Are free from crime and fear of crime.
- Have a strong sense of order and respect.
- Offer access to key services and information they require.
- Provide opportunities to advance their social and economic well-being.

The ministry understands that safe communities require holding offenders accountable. It also means that victims and communities know the justice system considers their interests.

The ministry recognizes that safe communities means preventing and reducing crime, including its contributing social and economic factors. While developing crime prevention programs falls under the mandate of the Ministry of the Solicitor General and Public Security, Alberta Justice and Attorney General supports these efforts. Crime prevention and reduction depends on the collective efforts of governments, communities, business, families, and all Albertans.

Ministry Objectives

We advocate legislative and policy reforms that respond to and protect family and community safety. The Ministry of Justice and Attorney General, with its partners, pursues these objectives:

Consequences that fit the Crime

The ministry supports strong measures for serious and violent crimes. The ministry works with the federal government to develop more effective measures to address crime against children, organized crime, and Internet crime. As well, the ministry develops strategies to better protect communities from repeat offenders.

Innovation in prosecutions

The ministry supports an active role for prosecutors in promoting safe communities. For example, prosecutors consider prevention and intervention approaches that can be used in tandem with criminal prosecution. The ministry is also improving the prosecution of provincial regulatory offences. As well, the ministry is increasing capacity to prosecute complex, emerging types of crime: organized crime, economic crime, technology crime, terrorism, and exploitation of children via the Internet.

>> *The ministry recognizes that safe communities means preventing and reducing crime, including its contributing social and economic factors.*

FIVE LINKS

Investigations of unexplained deaths

The Office of the Chief Medical Examiner investigates unexplained natural and unnatural deaths in Alberta. The medical examiner's findings may help resolve civil and criminal matters that relate to a death. The Fatality Review Board may recommend holding a public fatality inquiry, and the judge who presides over the inquiry may make recommendations that help prevent future deaths.

Alternatives to traditional courts

The ministry supports effective, non-traditional dispute resolution that addresses the root causes of crime. This includes using alternative measures or mediation for less-serious crimes and establishing specialized processes to deal more appropriately with domestic violence, drug abuse, and mental illness.

Partnerships for crime prevention and reduction

The ministry supports Solicitor General and Public Security's leadership in inter-governmental, cross-ministerial, and community initiatives in crime prevention and reduction.

The ministry places priority on the safety of children and families; responding more effectively to family and sexual violence; supporting youth and diverting them from criminal activities; and providing health, learning, and employment opportunities for those at risk.

Another priority is reducing driving offences involving alcohol or drug impairment. As part of the tri-ministerial Traffic Safety Initiative, the ministry is developing prosecution strategies and legislative amendments to respond to these offences. These changes may help reduce the deaths, injuries, and property damage caused by impaired driving.

The ministry supports and promotes government and community initiatives that address underlying social and economic factors associated with crime: lack of education, unemployment, family violence, substance abuse, poverty, and homelessness.

Education for responsibility

The ministry provides public information about the justice system that fosters individual responsibility for safe communities. As well, we educate Albertans about the justice system by supporting the provincial curriculum, post-secondary education, and community education.

>> *The ministry promotes fair access to the civil and criminal justice system for all Albertans.*

Access to Justice

Our Role

The ministry promotes fair access to the civil and criminal justice system for all Albertans. Equal access to justice and fair treatment by the justice system is part of the rule of law: the law applies to everyone, and everyone has access to and enjoys the protection of the law.

FIVE LINKS

What Does "Access to Justice" Mean?

For Albertans, access to justice means that the justice system:

- Considers need.
- Facilitates informed choice.
- Promotes self-reliance.
- Values social inclusion of disadvantaged groups.
- Offers simple, swift, and affordable resolutions.

The ministry understands that access to justice includes providing alternative, conciliatory resolution methods, including those that occur outside the traditional courtroom. Access also means removing barriers: for example, providing legal representation for those who can't afford it, providing service in Aboriginal and remote communities, and providing accurate, readable public information.

The ministry also recognizes the impact of crime on victims and their communities. It ensures that vulnerable people can access and use the justice system to protect their rights when they are unable to do so alone.

Ministry Objectives

The Ministry of Justice and Attorney General, with its partners, pursues these objectives:

An efficient and effective court system

The ministry supports dispute resolution that reduces the time, cost, and complexity of the process. This involves working closely with our partners to maximize the court system's clarity, usability, and effectiveness. As well, the ministry is committed to building a one-stop-shopping model for family justice services.

Alternative and effective ways to resolve disputes

The ministry supports alternative dispute resolution outside the courtroom. The ministry works with stakeholders and partners to improve pre-trial conferences, judicial dispute resolution, and mediation in civil cases. Furthermore, the ministry supports using technology such as videoconferencing in alternative dispute resolution.

Removing financial and geographic barriers

The ministry supports Albertans who face social, cultural, physical or economic barriers. The ministry supports improved access to legal aid for low-income Albertans and continues to provide mandated legal aid for youth. It supports services that help people in court understand the proceedings and access support programs such as Parenting After Separation.

The ministry aims to deliver justice services to rural, remote, and sparsely populated areas. This includes using technology to facilitate hearings, increasing regular circuit coverage, and holding hearings in places other than court buildings when security and respect for the proceedings can be assured.

Caring for victims' needs

Victims of Crime Act principles

The ministry works with the Ministry of the Solicitor General and Public Security to ensure the *Victims of Crime Act* principles, which include treating victims with courtesy, compassion, and respect, are applied during the criminal justice process. Particularly, the ministry is making courts friendlier for children and youth who must testify.

FIVE LINKS

Victims of uninsured and unknown drivers

All drivers in Alberta must have liability insurance in case of a collision. If the person at fault does not have liability insurance or flees the scene of the collision, the ministry's Motor Vehicle Accident Claims Program comes into effect. This program ensures victims of accidents caused by uninsured and unknown drivers have someone from whom to recover damages for personal injury. This program also helps victim rehabilitation with supplementary medical compensation.

Support for Albertans in need

The ministry gives financial support to Legal Aid Alberta, who provides legal services to Albertans who can't afford their own.

The ministry's Maintenance Enforcement Program ensures that individuals meet their obligations to pay child and spousal support on behalf of Alberta families.

The ministry also represents the financial interests of minors and dependent adults through the Office of the Public Trustee. When dealing with a deceased's estate, the Office of the Public Trustee arranges for a dignified funeral, handles the estate assets, including if funds are available, paying creditors of the deceased and then distributes any remaining assets to beneficiaries.

Improved justice for Aboriginals

The ministry supports the Government of Alberta's Aboriginal Policy Framework. Through this framework, Alberta Justice and Attorney General is better addressing the needs of Aboriginal people, and thereby promoting their self-reliance and well-being.

Promotes public legal education

The ministry promotes and supports public legal education to help Albertans better understand their rights and obligations. Plain-language, timely, accurate public legal education helps Albertans make informed choices about using the justice system and resolving disputes.

Support for self-represented litigants

The ministry, the judiciary, the law society, and community partners cooperate to make the justice system accessible to self-represented litigants. This must be done without adversely affecting other participants in the justice system.

>> *Plain-language, timely, accurate public legal education helps Albertans make informed choices about using the justice system and resolving disputes.*

Respect for the Law

Our Role

The ministry promotes respect for the law by prosecuting accused people fairly, providing forums for fair, swift dispute resolution, and protecting the legal interests of the vulnerable. The ministry drafts effective legislation, defends the legal interests of the province, and advises other government ministries on legal issues.

FIVE LINKS

What Does "Respect for the Law" Mean?

Respect for the law means a justice system Albertans can trust: laws and enforcement worthy of respect. Alberta's laws must reflect the most pressing social and economic issues of the day; must be administered in a fair, open, and impartial manner; and must respect Albertans' privacy. As well, Albertans expect a justice system to balance individual and collective rights in a culturally diverse society.

The ministry understands that cultivating respect for the law means consulting with Albertans as we develop the legislation and regulations that affect them. As well, we support other ministries that create legislation and regulations safeguarding Albertans' social and economic well-being.

The ministry recognizes that the independence of the judiciary, prosecution, and the police are fundamental to an impartial justice system. Also, we understand that collaborating with provincial, national, and international bodies helps the law keep pace with Albertans' changing social needs.

Ministry Objectives

The Ministry of Justice and Attorney General, with its partners, pursues these objectives:

Consultation on justice issues

The ministry helps government base legislation and policy on stakeholder and public consultation, as appropriate.

While reviewing and drafting legislation, the ministry consults with other levels of government, ministries, service delivery partners, legal research groups, other associations, communities, businesses, and individuals.

Coordination between the ministry and the judiciary

The ministry collaborates with the judiciary to improve access to justice for Albertans.

Coordination with other levels of government

The ministry:

- Provides legal advice to government ministries to address social and economic priorities and ensure government makes lawful decisions in the best interests of Albertans.
- Provides legal advice on provincial and federal compliance with the Canadian Constitution.
- Collaborates with other provinces and the federal government to promote an effective justice system.
- Ensures Alberta's constitutional positions are identified and vigorously projected in judicial, federal, provincial, and territorial forums.

Community services and engagement

The ministry engages public, private, and volunteer resources to promote respect for the law and quality of life.

>> *Respect for the law means a justice system Albertans can trust: laws and enforcement worthy of respect.*

FIVE LINKS

Understanding of, and Confidence in, the Justice System

Our Role

The ministry promotes understanding of, and confidence in, the justice system. It consults Albertans about enhancements to the justice system to ensure it is relevant, responsive, and that it administers the law fairly. The ministry also provides information explaining the administration of justice and clarifying individual rights and obligations. To inspire confidence in the justice system, the ministry must be accountable for its actions and encourage other justice-related organizations to be accountable for theirs.

>> *Learning about the law can also help individuals better understand their rights and responsibilities in their communities.*

What Do "Confidence" and "Understanding" Mean?

Albertans see the justice system as an important symbol and protector of common values. They have confidence in the justice system when it reflects their values. Accordingly, Albertans believe their justice system should treat people fairly and also consider their special circumstances. They expect the justice system to treat victims with courtesy, compassion, and respect. They also expect the justice system to hold offenders accountable, ensure redress proportional to the crime committed, and work to reduce the number of repeat offenders.

Confidence in the justice system is part of what makes the system work well. Albertans also have confidence in the justice system when it helps promote a more engaged, vital, and cohesive society. It does this by:

- Encouraging everyone's responsibility to the greater good.
- Involving a wide community in finding positive solutions to crime and anti-social behaviour.

Confidence in the justice system often comes from increased understanding and knowledge of the system. Therefore, understanding how the justice system works can help Albertans know their rights, avoid legal problems, and seek appropriate legal remedies when required. Learning about the law can also help individuals better understand their rights and responsibilities in their communities.

Ministry Objectives

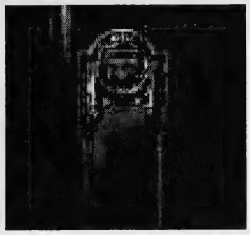
The Ministry of Justice and Attorney General, with its partners, pursues these objectives:

Measures to reduce the number of repeat offenders

The ministry promotes strategies aimed at reducing the number of repeat offenders. It creates policies that identify and bring to justice persistent repeat offenders who jeopardize public safety.

Improved restorative justice

The ministry supports a restorative understanding of crime as an offence against a person and community, as well as a violation of the law. Restorative justice approaches are used to deal with minor or non-violent offences, while still holding offenders accountable for their actions. When agreeable to victims, these approaches help victims and the community to direct the offender's reparation for the harm done.



FIVE LINKS

Collaboration in the reform of the justice system

Regarding law and justice system reform, the ministry advocates Alberta's position when negotiating areas of shared interest with other governments in Canada. Key opportunities for the ministry include:

- Coordinating federal, provincial, and territorial views on crime and creating a more responsive justice system.
- Representing to the federal government Alberta's position regarding amendments to the *Criminal Code of Canada.*
- Pressing the federal government's obligation to support legal aid.
- Participating with the federal government, and other provinces and territories in family law reform initiatives, maintenance enforcement initiatives, and the development of family justice services.
- Strengthening the transparency and accountability of the justice system.
- Making court processes more effective, efficient, and responsive to Albertans' needs.
- Addressing emerging justice issues as they arise.
- Evaluating the effectiveness of current justice programs and services.
- Using evidence-based decision making to develop policies and programs.

Accessible public information on the justice system

The ministry provides Albertans with the information and services they need to enhance their understanding of the justice system.

The ministry:

- Interprets laws in plain language.
- Develops and promotes public legal education.
- Works with educators to provide initiatives and justice information designed for students.
- Provides timely information to the media.

The ministry strives to provide a transparent justice system with open courts. Service Alberta offers one-stop access to justice information. The ministry also works with the federal government to inform Albertans about the performance of the justice system.

Public legal education and information

The ministry promotes educational initiatives across Alberta that strengthen public awareness and understanding of the justice system. The ministry also promotes and supports supplementary resources and initiatives for Alberta's students. With other ministries and community partners, the ministry ensures educational materials and initiatives fit the provincial curriculum and meet the needs of students.

>> *The ministry provides the Government of Alberta with legal advice, services, and counsel to advance the goals of government and the quality of life for all Albertans, while ensuring the rule of law is maintained.*

FIVE LINKS

A Legal Foundation for Social Cohesion and Economic Prosperity

Our Role

The ministry provides the Government of Alberta with legal advice, services, and counsel to advance the goals of government and the quality of life for all Albertans, while ensuring the rule of law is maintained. The minister is highly aware of the relationship between the rule of law and social well-being and economic prosperity. To this end, the ministry administers justice, helps develop and administer our civil laws, and works with the federal government to develop criminal law.

What Does a "Legal Foundation" Mean?

Albertans look to the justice system (embodying the rule of law) to protect and foster:

- Quality of life.
- Opportunities to participate in the social and economic well-being of the province.
- Respect for diversity.
- Respect for citizenship.
- Individual and collective human rights.
- The social inclusion of all individuals.
- Tolerance and understanding.

The ministry ensures that the justice system supports fair treatment in the marketplace, a safe environment for investments, and protection for consumers.

Ministry Objectives

The Ministry of Justice and Attorney General, with its partners, pursues these objectives:

Strategic legal advice, counsel, and representation

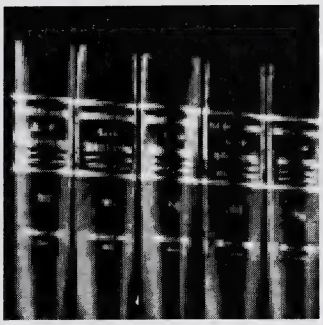
The ministry provides strategic legal advice, counsel, and representation to government ministries. In this way, it helps develop legislation and policies that:

- Are responsive to community needs.
- Promote the social well-being and economic prosperity of the province.
- Address emerging social and economic priorities.
- Observe the rule of law.

As well, the ministry gives the government advice on areas of emergent law, such as the changing nature of personal relationships. It also helps other ministries manage legal risk.

Our internal services also include fairly and effectively representing the Government of Alberta before all courts and tribunals to advance and protect the best interests of Albertans.

>> *The ministry works to ensure that negotiations with Aboriginal people are in good faith, and that the interests of Aboriginal people are balanced with provincial interests.*



FIVE LINKS

Enhanced resolution of commercial disputes

The ministry supports quick and fair resolution of commercial disputes, and promotes an environment where business and industry can flourish. The ministry promotes Alberta's work environment and competitiveness in the global market place.

Aboriginal and treaty rights

The ministry provides legal advice to government about Aboriginal and treaty rights and works to clarify this rapidly developing area of law. The ministry works to ensure that negotiations with Aboriginal people are in good faith, and that the interests of Aboriginal people are balanced with provincial interests.

Civil rights and liberties

The ministry supports the Alberta government by monitoring how existing and proposed legislation adheres to the *Canadian Charter of Rights and Freedoms*. It works to uphold the rule of law, protect and balance individual and collective rights, ensure freedom from discrimination, and promote opportunities for everyone to contribute to their own and the province's social and economic well-being.

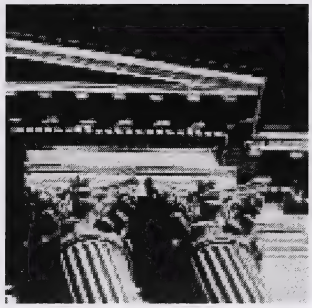
Environment and quality of life

The ministry provides legal advice to promote our quality of life in areas such as health, learning, and the workplace. It also provides legal advice about environmental issues. The ministry's advice considers the stewardship necessary to support our quality of life, while encouraging the development of a strong economic infrastructure. The ministry is also responsible for a number of regulatory prosecutions including environmental, occupational health and safety, and consumer protection.

Protection of our security

Working with the Ministry of Solicitor General and Public Security and the federal government, Alberta Justice and Attorney General helps the Government of Alberta protect Albertans and the province against threats to their safety: organized crime, terrorism, and other borderless crime. In so doing, the ministry strives to balance individual rights and freedoms with secure communities.

>> *The Government of Alberta protects Albertans and the province against threats to their safety: organized crime, terrorism, and other borderless crime. In so doing, the ministry strives to balance individual rights and freedoms with secure communities.*



MOVING FORWARD WITH OUR PARTNERS

Achieving Justice – A Policy Framework focuses on Alberta Justice and Attorney General while recognizing the role of all key stakeholders in developing an integrated justice system. Constructive engagement and collaboration is important to ensure that services, programs, and information are meeting the diverse needs of Albertans in the most effective and efficient way.

Alberta Justice and Attorney General recognizes that this policy framework is a starting point. It will promote discussion about key justice issues and help continue our consultation with each of our partners and stakeholders. Through this discussion and consultation, we can ensure that our justice system will continue to meet the changing needs of Albertans.

>> *Constructive engagement and collaboration is important to ensure that services, programs, and information are meeting the diverse needs of Albertans in the most effective and efficient way.*

Achieving Justice – A Policy Framework is expected to evolve and be updated as the ministry works with partners, stakeholders, and Albertans to ensure safe communities for all Albertans to live, work, and raise their families.

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